

**REMARKS**

In reply to the final Office Action dated November 18, 2004, Applicant wishes to thank the Examiner for extending the opportunity to discuss this case which Applicant's attorney, Paul Greeley, on November 23, 2004. In this regard, Applicant pointed out, and the Examiner concurred, that the primary reference Mathworks.com (February 9, 1999 Internet Publication) is not a proper reference, as it was published more than five (5) months from the prior date. The Examiner suggested that a 1997 Mathworks.com reference is also available, but has not yet been provided to Applicant for review. In view of the fact that the secondary reference to U.S. Patent No. 6,223,171 (Chaudhuri et al.) was filed only nine (9) days prior to the filing date of the Provisional Application from which the current application claims priority and the fact that Applicant has provided herewith a Declaration under 37 CFR 1.131 (attached hereto) swearing behind that reference, it does not appear that review of the 1997 Mathworks.com reference is necessary at this time, since the claims were rejected under 35 USC §103(a) as being unpatentable over Mathworks.com in view of Chaudhuri et al.

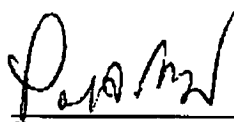
Without getting into the specifics of whether or not either Mathworks.com or Chaudhuri et al., teach or disclose, either alone or in combination, that which is recited in Claims 18-24, 26-29, 42-44, 47 and 50-51, the removal of the Chaudhuri et al. and the 1999 Mathworks.com references, makes review of the 1997 Mathworks moot.

Accordingly, Applicant respectfully request that based upon the attached Declaration regarding Applicant's swearing behind the Chaudhuri et al. patent and the late publication date of the 1999 Mathworks.com reference, that the rejection of the claims under 35 USC §103(a) is moot and should be withdrawn.

As such, Applicant respectfully request reconsideration and allowance of this application.

Respectfully Submitted,

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